

Tennessee Ethics Commission
June 14, 2010
Minutes

The Tennessee Ethics Commission met on Monday, June 14, 2010 at 9:00 a.m., at the Bureau of Ethics and Campaign Finance office. Commissioners John K. King, Charles H. Farmer, Linda W. Knight, Dianne F. Neal, and Tammy S. White were present. Chairman King called the meeting to order at 9:15 a.m.

May 26, 2010 Minutes

Commissioner Knight asked that the minutes be changed to reflect that Treva Maitland had been late on previous occasions filing the Statement of Interests. Commissioner Neal moved for approval of the minutes as amended and Chairman King seconded. The minutes were approved 5-0.

Penalty Assessment Proceedings – Candidates

Mark Hollingshead, 2010-068

Mr. Hollingshead addressed the Commission and explained that he had sent a Statement and submitted a second one when notified that the Commission had not received his Statement. Commissioner Farmer moved to assess no penalty and Commissioner Neal seconded. The motion passed 5-0.

Penalty Assessment Proceedings – Employers of Lobbyists

Ritchie Power Sports – 2010-007 – Failure to timely file expenditure report

Chairman King asked that this item be considered later to see if Commissioner Brown will attend. He explained that he would recuse himself in this matter.

Appalachian Underwriters, Inc. – Failure to timely pay registration fee

Commissioner Knight moved to assess a \$750 civil penalty as Appalachian Underwriters was 45 days late and Commissioner Neal seconded. Motion passed 5-0.

Penalty Assessment Proceedings – Officeholders

Danny Hall – 2010-022

Chairman King moved to assess the maximum penalty of \$125 and Commissioner Farmer seconded. The motion passed 5-0.

William Bowman, Jr. – 2010-046

Commissioner Farmer moved to assess the maximum penalty of \$750 for Class 1 and \$9,250 for Class 2 for a total of \$10,000. Chairman King seconded and the motion passed 5-0.

Lonnie Carver – 2010-052

Commissioner Knight moved to assess a penalty of \$750 for Class 1 and \$1,100 for Class 2 for a total of \$1,850. Commissioner Farmer seconded and the motion passed 5-0.

Michael Horner – 2010-049

After considering the statement Mr. Horner submitted, Commissioner Knight moved that a Class 1 penalty of \$1 be assessed and no assessment of Class 2. Commissioner Farmer seconded and the motion passed 5-0.

Chris Smithson – 2010-051

Commissioner Farmer moved to assess a penalty of \$750 for Class 1 and \$1,100 for Class 2 for a total of \$1,850. Commissioner Neal seconded and the motion passed 5-0.

Penalty Assessment Proceedings – Local Candidates

Lisa Stanberry – 2010-067

Commissioner Knight moved to assess no penalty and Commissioner Neal seconded. The motion passed 5-0.

Glen (Punk) Shelton – 2010-061

Mr. Shelton submitted a statement. Commission Knight moved to assess no penalty on the specific grounds that Mr. Shelton was misinformed by the county election commissioner. Chairman King seconded and the motion passed 5-0.

Shawn Carter, Sr. – 2010-061

David L. Gentry – 2010-076

Jeff Neal – 2010-063

Tony Beaty – 2010-073 (statement submitted)

Keith Marie (Lewis) Farley – 2010-072 (statement submitted)

Jim Wimley – 2010-71

James R. Sain – 2010-069

Commissioner Farmer moved that no penalty be assessed and Commissioner Neal seconded. The motion passed 5-0.

Mark Peek – 2010-075

Mr. Peek submitted a statement. Commissioner Farmer moved that no penalty be assessed on the grounds that Mr. Peek did not withhold information as he had filed as an incumbent. Commissioner Neal seconded and the motion passed 5-0.

James Rose – 2010-060

Mr. Rose submitted a statement that he believed he had complied when he filed a campaign finance statement. Commissioner Neal moved to assess no penalty and Commissioner Farmer seconded. The motion passed 5-0.

Eliza Parker – 2010-074

Commissioner Neal moved to assess the maximum penalty of \$250 and Commissioner Farmer seconded. The motion passed 5-0.

Bill Brittain – 2010-058

Mr. Brittain submitted a statement that he was unaware he was required to file a separate statement as a candidate for another elected office. Commissioner Knight moved to assess no penalty and Commissioner Neal seconded. The motion passed 5-0.

Keith Allen – 2010-062

Commissioner Knight moved to assess the maximum penalty of \$400 and Commissioner White seconded. The motion passed 5-0.

Ken R. Smith – 2010-077

Commissioner Knight moved to assess the maximum penalty of \$475 and Commissioner Neal seconded. The motion passed 5-0.

Penalty Assessment Proceedings – Employers of Lobbyists

Ritchie Power Sports – 2010-007

Chairman King recused himself from voting on this matter. Mr. Ritchie submitted a statement. Commissioner Neal moved to assess the maximum penalty of \$750 for failure to timely file the expenditure report. Commissioner Knight seconded and the motion passed 4-0.

Request for Advisory Opinion – Tony Gottlieb

John Allyn updated the Commission on the contested case hearing. Mr. Gottlieb was a lobbyist who had made two campaign contributions and was assessed civil penalties by the Commission. He asked for a reconsideration and the Commission denied the request. Mr. Gottlieb is now requesting an advisory opinion based on constitutional issues. Chairman King made the motion to advise Mr. Gottlieb, by letter, that his request for an advisory opinion is denied because 1) Mr. Gottlieb has no standing before the Commission, and 2) the Commission has no jurisdiction to render an opinion on a facial challenge to the constitutionality of the statute. Commissioner Neal seconded and the motion approved 5-0.

Approval of Rules – 0580-010-01, 0580-01-03, 0580-01-06

After review of the draft rules, John Allyn stated that he would make the changes discussed and present the rules at the next meeting.

Selection of Members for Audit Committee

Chairman King appointed Commissioners Farmer and White to the audit committee. Commissioner Neal agreed to serve on the audit committee until the end of her term.

There being no further matters pending before the Commission, the meeting adjourned.